

because the Examiner is of the opinion that the apparatus as claimed (the deposition mask frame assembly of Invention I) can be used to practice another and materially different process "such as deposition of phosphorescent materials in cathode ray tube faceplates." Irrespective of whether the Examiner has established that Inventions I and Invention III are distinct, it is submitted that the Examiner has not established that Inventions I and II are distinct because it is submitted that these inventions are not related as process and apparatus for its practice as alleged by the Examiner because the apparatus of Invention I is not an apparatus for practicing the process of Invention II, but is an apparatus which is made by the process of invention II. Accordingly, it is respectfully requested that the requirement for restriction between Inventions I and II be withdrawn.

The Examiner considers Invention II (drawn to a method of manufacturing a deposition mask frame assembly) and Invention III (drawn to a method of manufacturing an organic EL device using a deposition mask frame assembly) to be related as subcombinations disclosed as usable together in a single combination, and considers Inventions I and II to be distinct from each other pursuant to MPEP § 806.05(d) because the Examiner is of the opinion that invention II has separate utility "such as for the electroplating deposition of electrode structures in liquid crystal displays," presumably based on the feature "electrodepositing a metal on an electrodepositing plate using an electro-forming method" recited in independent claim 8 of invention II. However, it is submitted that the separate utility suggested by the Examiner is not reasonable because it is not seen how the other features recited in claim 8 could be used in "electroplating deposition of electrode structures in liquid crystal displays" as suggested by the Examiner, i.e., the features "wherein . . . the electrodepositing plate has a film attached corresponding to shielding portions that form an outer portion of a mask and define apertures in the mask," "separating the mask from the electrodepositing plate," and "installing a frame on one surface of the mask and installing a cover mask on the other surface of the mask while the mask is being tensed, and welding the cover mask, the mask, and the frame." Accordingly, it is respectfully requested that the requirement for restriction between inventions II and III be withdrawn.

Furthermore, irrespective of the above arguments, it is believed that non-elected claims 1-7 of Invention I and non-elected claims 8-13 of Invention II are so closely related to elected claims 14-19 of Invention III that all three sets of claims should remain in the same application. Elected claims 14-19 of Invention III are drawn to a method of manufacturing an organic EL

device using a deposition mask frame assembly, while non-elected claims 1-7 of Invention I are drawn to a deposition mask frame assembly and non-elected claims 8-13 of Invention II are drawn to a method of manufacturing a deposition mask frame assembly. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing product, method of making the product, and method of using the product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the three inventions, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of all three sets of claims would not be a serious burden on the Examiner at this time in comparison with the additional expense and delay to Applicant in having to protect the additional subject matter recited by the claims of Inventions I and II by filing a divisional application.

MPEP § 803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)), and (B) indicates that there must be a serious burden on the Examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02). The Examiner has not set forth why there would be a serious burden if restriction is not required.

### III. Conclusion

Upon review of references involved in this field of technology, when considering that non-elected claims 1-7 of Invention I are drawn to a deposition mask frame assembly, that non-elected claims 8-13 of Invention II are drawn to a method of manufacturing a deposition mask frame assembly, and that elected claims 14-19 of Invention III are drawn to a method of manufacturing an organic EL device using a deposition mask frame assembly, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the present application.

In view of the foregoing amendments, arguments, and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.


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Should any questions remain unresolved, the Examiner is requested to telephone  
Applicant's attorney.

Respectfully submitted,

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